

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of :

Basil Thai Restaurant Corporation
t/a Basil Thai Restaurant

Application for a Retailer's License
CR – new application
at premises
1608 Wisconsin Avenue, N.W.
Washington, D.C.

Case No. 33006-99041P
Section 14(e)

Weena Hiankit, President, on behalf of the Applicant

Jonda McFarlane, Chair, Advisory Neighborhood Commission 2E, John W. Goodrich-Mahoney and Eugene Rae, Jr., Section 14 (b) Protestants

John W. Goodrich-Mahoney, and Eugene Rae, Jr., Section 14 (e) Petitioners

**BEFORE: Vannie Taylor III, Esquire, Chair
Dennis Bass, Member
Allen Beach, Member
Laverne King, Member
Max Salas, Member
Duane Wang, Member**

ORDER ON WITHDRAWN PROTEST

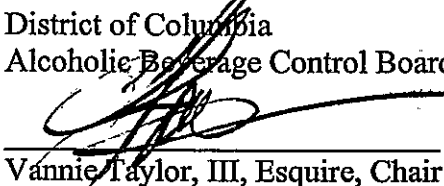
This matter, having been protested, came before the Board on April 14, 1999, in accordance with D.C. Code Section 25-118 (c)(5), providing for remonstrants to be heard. The Board's official records indicate that Jonda McFarlane, Chair, Advisory Neighborhood Commission 2E, John W. Goodrich-Mahoney and Eugene Rae, Jr., filed timely Section 14(b) opposition. Further, Mr. Goodrich-Mahoney and Mr. Rae, Jr., filed timely Section 14(e) petition requests as well. However, Mr. Rae failed to appear before the Board on April 14, 1999, and the Board deemed his opposition to be abandoned.

The official records of the Board reflect that the parties have now reached an agreement which have been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement, dated April 20, 1999, the protestants have agreed to withdraw all opposition, provided however, the Board's approval of the pending application is conditioned.

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Accordingly, it is this 20th day of July 1999, **ORDERED** that:

1. The Section 14(b) opposition of Jonda McFarlane, Chair, on behalf of the Advisory Neighborhood Commission 2E, John W. Goodrich-Mahoney and Eugene Rae, Jr., be, and the same hereby, are **WITHDRAWN**;
2. The Section 14(e) opposition of John W. Goodrich-Mahoney, be, and the same hereby, is **WITHDRAWN**;
3. The Section 14(e) opposition of Eugene Rae, Jr., be, and the same hereby, is **DISMISSED**;
4. The above-referenced Agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this Order;
5. The application of Basil Thai Restaurant Corporation t/a Basil Thai Restaurant for a retailer's class CR license (new application) at premises 1608 Wisconsin Avenue, N.W., be, and the same hereby, is **GRANTED**; and,
6. Copies of this Order shall be sent to the Protestants, the Attorney for the Applicant, and the Applicant.

District of Columbia
Alcoholic Beverage Control Board

Vannie Taylor, III, Esquire, Chair

33004

Voluntary Agreement

This is an Agreement made this 20th day of April, 1999, between Weena Hirankit, President of Basil Thai Restaurant at 1608 Wisconsin Avenue NW, Washington, DC. and the duly admitted Protestants ("Protestants") listed below and certified in case 33006 now pending before the Alcoholic Beverage Control Board of the District of Columbia ("ABC Board").

W I T N E S S E T H:

WHEREAS, Basil Thai restaurant has applied for a new (Class CR) ABC License, as provided in the current ABC Regulations. Protestants have objected to the issuance.

WHEREAS, the parties have agreed to certain changes in Basil Thai's ABC License application and,

WHEREAS, in exchange for Basil Thai making these changes, the Protestants ~~will~~ agree to withdraw their protest, BZ
W.H.

NOW, THEREFORE, in consideration of the recitals set forth above, the mutual covenants and conditions set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. Applicant's allowable hours of operations shall not exceed 11 p.m. on weekends and 10:30 p.m. on weekdays.
3. There will be no live entertainment or karaoke, and no operations on the second floor of the premises. Entertainment shall be limited to the playing of recorded Thai music.
4. Applicant will cease, as of May 1, 1999, to use the parking lot behind the premises, and will not again enter into arrangements for the use of this area for parking by staff or delivery vehicles.
5. There will be full compliance with the decision of the Old Georgetown Board, the Commission of Fine Arts, and the Historic Preservation Review Board, including the possible requirement to restore the double windows at the front of the store.

Specifically: All signage on the front of the building will be removed except for the mounted white letters on the brick facade specifically approved by the Commission of Fine Arts, the window trim and door will be painted black, the upper-floor window frames will be painted black, the separate sign mounted on the facade will be removed, the neon "open" sign will be removed, the painted lettering on the window's face will be removed.

Initials:

BZ
JW

W.H.

Basil Thai agrees that it will maintain current a list of its ABC licensed managers, and photo copies of their licenses, with Advisory Neighborhood Commission 2E. Basil Thai further agrees to contact in writing within one week Advisory Neighborhood Commission 2E of any change in the businesses operating hours, exclusive of the hours it is authorized to serve alcoholic beverages.

The provisions of this Voluntary Agreement shall become a part of the conditions of the Liquor License and shall remain in force upon renewal or transfer of the Liquor License. Violations of the Voluntary Agreement by the Applicant, or the Applicant's failure to implement the measures called for in this Voluntary Agreement, shall be just cause by the ABC Board to immediately suspend or revoke the Liquor License of the Establishment

AGREED:

For the Applicant:

Weena Hirankit Date 4/20/99

Weena Hirankit, President
Basil Thai Restaurant
1608 Wisconsin Avenue, NW
Washington, DC 20007

For the Advisory Neighborhood Commission Protestants:

Barbara Zartman Date 4/20/99

Barbara Zartman
Commissioner ANC 2E 04
1642 Thirty-fifth Street, NW
Washington, DC 20007

As a Citizen Protestant:

In consideration of the execution of this agreement, I withdraw my §14 (e) and §14 (b) protests to the granting of this license.

John W. Goodrich-Mahoney Date 4/20/99

John W. Goodrich-Mahoney
3242 Q Street, NW
Washington, DC 20007